

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
April 18, 2004  
Tribal Court Room 7500 Odawa Circle  
Smudging 9:15 a.m.  
9:30 a.m.

Executive Session: no

Call to Order: Meeting was called to order at 10:02 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Legal Staff Present: James Bransky, General Counsel

Staff Present: Michele LaCount, Al Colby, Andrew Stich, Beverly Wemigwase, Linda Keshick, Melissa Wiatrolik

Guests: Carol McFall, Deleta Gasco Smith, Marcia Sutton, Carter Kiogima, Gerald Ruskowski, Vince Cook, Carol McFall, Kacie Gokee, Mary Keshick, Barry Crowell, Bart Gasco, Joetta Gasco, Holly Gasco, John Espinosa, Winona LaDuke

Commissioners present: John Keshick III, Julie Shananaquet, Tim LaCroix, Billy McNamara, John Bott, Ray Kiogima, Rita Shepard, Carol Jeffers, Judy Pierzynowski, Rochelle Ettawageshik

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Opening Ceremony: Frank Ettawageshik

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to adopt the agenda with additions for April 18, 2004 in honor of Robert Dominic, Waunetta Dominic, Jonas Shoandaisse, John Ance, Andrew Wasaquam, Levi McClellan and Grace Mulholland who served as officers and as a business committee in dealing against the Federal Government with attorneys in the 17 million dollar land claim.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Bentley to approve the minutes of April 4, 2004 with corrections.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to accept the Tribal Treasurer's report for April 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve the Executive Draft Budget for FY 2005 as presented by the Treasurer.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

10:57 a.m. Recess called

11:21 a.m. Meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the Tribal Chairman's written and verbal report for April 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

11:46 a.m. Public Comment: Linda Gokee, John Keshick

11:51 a.m. Public Comment closed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to authorize the Tribal Chairman to sign the Intergovernmental Accord Between the Federally Recognized Indian Tribes in Michigan and the Governor of the State of Michigan Concerning Protection of Shared Water Resources.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to authorize the Alliance for Lupus Research to use the Tribal logo for the limited use of advertising activities that the Tribe has sponsored.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

12:06 p.m. Lunch recess called

1:38 p.m. Meeting reconvened

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., for the cultural work group to meet and suggest names for our new casino and resort with final approval by Tribal Council. Funds for travel to come from the Capital Projects Fund.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank that we donate \$2,000 to Holly Gasco for her Youth for Understanding trip to Australia for June 2004.

Vote: 5 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 1 Abstained (Councilor Regina Bentley)

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the Trust Fund Board's report as presented by Carol Jeffers on April 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the Natural Resources Commission verbal and written report as presented by Chairperson John Keshick III, on April 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to accept the Gaming Regulatory Commission verbal and written report as presented by Chairperson Julie Shananaquet on April 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Gaming Administration verbal and written report as presented by Chairperson, Sherrie Patton on April 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to accept the Housing Commission verbal and written report as presented by Chairperson, Ray Kiogima on April 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried.

Recess: 3:35 p.m.

Reconvened: 3:54 p.m.

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to direct the Tribal Chairman to develop a proposal to more effectively utilize property and establish rental policies and procedures.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained  
Motion carried

Public comment open: 4:05 p.m. Tim LaCroix, Andrew Stich, Rolando Fonseca, Deleta Smith, Melissa Wiatroluk, Bill McNamara, Judy Pierzynowski, Melissa Chartier.

Public comment closed: 4:17 p.m.

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Indian Child Welfare Commission report as presented by Chairperson, Rochelle Ettawageshik on April 18, 2004.  
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained  
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Economic Development Commission Quarterly report as presented by Vice-Chairperson, John Bott on April 18, 2004.  
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained  
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to authorize the Tribal Chairman to sign the 2004 Indian Housing Plan as presented by the Housing Director, Deleta Smith.  
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained  
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to submit the petition regarding the removal of a Housing Commissioner, submitted by the Housing commission to the Election Board, for verification that the petition contains sufficient number of valid signatures.  
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained  
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Bentley that should the petition for removal of the Housing Commissioner, be returned by the Election Board authenticated, the Tribal Council will submit the petition to the Hearing board.  
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained  
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Bentley to approve enrollment list "B" declination (ineligible) dated April 7, 2004.

Vote: 4 Yes, 3 No (Councilor Fred Harrington, Jr., Treasurer Alice Yellowbank Secretary Dexter McNamara), 0 Absent, 0 Abstained  
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Bentley to approve enrollment list "C" Declination (Ineligible) dated April 7, 2004

Vote: 4 Yes, 3 No (Councilor Fred Harrington, Jr., Treasurer Alice Yellowbank, Secretary Dexter McNamara) 0 Absent, 0 Abstained  
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to place on the Legislative Agenda the Enrollment Statute Amendment.

Vote: 6Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained  
Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to adopt Little Traverse Bay Bands of Odawa Indians Resolution 041804-01 Tribal Delegates to National Indian Gaming Association, delegate being Tribal Chairman Frank Ettawageshik, Alternates: Vice-Chairperson Beatrice A. Law, Treasurer Alice Yellowbank

Roll Call: Tribal Chairman Frank Ettawageshik - yes, Vice-Chairperson Beatrice A. Law - yes, Treasurer Alice Yellowbank – yes, Secretary Dexter McNamara – yes, Councilor Rita Shananaquet – yes, Councilor Fred Harrington, Jr. - yes, Councilor Regina Bentley – yes

Motion Carried

Dexter McNamara leaves 5:19 p.m.

Dexter McNamara returns 5:24 p.m.

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to approve regulations of Gaming Regulatory Commission dated March 4, 2004 with grammatical corrections made on April 18, 2004.

Motion withdrawn by Councilor Rita Shananaquet, Secretary Dexter McNamara moves and supported by Vice-Chairperson Beatrice A. Law.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Recess called 5:39 p.m.

Reconvened 5:46 p.m.

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve small grant request in the amount \$1,000 for the Traverse City West Athletic Program.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Bentley to approve burial request A0071 for \$5,000.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Bentley to approve burial request A0072 for \$5,000.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to adopt Bio-Piracy Ordinance Waganakising Odawa Statute Act Prohibiting the Patenting of Organisms.

Motion Withdrawn by Vice-Chairperson Beatrice A. Law

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve Childcare Development Budget modification request for increase of \$56,000 to come from general fund prior year fund balance.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to accept the Tribal Administrator's written report presented on April 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank approving Natural Resources Commission Budget Modification FY2004 1103-0-32-01 with an increase of \$15,100 to come from the previous year fund balance.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank approving the ad cost table prices for the Odawa Trails newsletter and authorize the Tribal Administrator to approve ads until the new newsletter policy is approved.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet approving the Tribal Council letter of support to the City of Petoskey regarding the "Citizens for Alternative to Toxins" and authorize the Tribal Chairman to sign.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to accept the Legal Department's verbal and written report as presented by General Counsel, Jim Bransky on April 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to adopt Little Traverse Bay Bands of Odawa Indians Resolution 041804-02 Request For Trust Acquisition parcel recorded at Liber 1049 Page 502, Emmet County Register of Deeds.

Roll call: Tribal Chairman Frank Ettawageshik –yes, Vice-Chairperson Beatrice A. Law – yes, Treasurer Alice Yellowbank – yes, Secretary Dexter McNamara – yes, Councilor Rita Shananaquet – yes, Councilor Fred Harrington, Jr. - yes, Councilor Regina Bentley –yes.

Motion Carried

Motion made Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Little Traverse Bay Bands of Odawa Indians Resolution 0418040-03 Request For Trust Acquisition for property formerly known as Bell's Fishery in Mackinaw City.

Roll call: Tribal Chairman Frank Ettawageshik – yes, Vice-Chairperson Beatrice A. Law – yes, Treasurer Alice Yellowbank – yes, Secretary Dexter McNamara – yes, Councilor Rita Shananaquet – yes, Councilor Fred Harrington, Jr. – yes, Councilor Regina Bentley – yes.

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to direct the Legal Department to develop a draft resolution that would establish a limited waiver of sovereign immunity for purchases of land that does not meet what is commonly known as the Shulstad-McClurken test.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to adjourn the meeting at 7:08 P.M.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

These Minutes have been read and approved as written:  
Approved:

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Dexter McNamara, Tribal Secretary

Date